

Appl. No. 10/785,277
Atty. Docket No. CM2601MC2
Amdt. dated April 13, 2006
Reply to Office Action of March 23, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-10 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere" following the words "not more than about 300 μ m." Support for the amendment can be found on page 9, lines 22-24.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 9, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ohnishi et al. (U.S. Patent No. 6,524,508). Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere." Ohnishi et al. fails to disclose chitosan material wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Rather, the chitosan in Ohnishi et al. is dissolved in the presence of an acid, thereby to form a salt. Ohnishi et al., Column 7, Lines 32-33.

Furthermore, Ohnishi et al. fails to disclose a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt. Rather, the particles of chitosan in Ohnishi et al. are dispersed within the interior of the individual fibers in the form of fine particles. The fine particles of chitosan in Ohnishi et al. are uniformly observed within the cross section of a fiber when observing the cross section of a fiber. Ohnishi et al., Column 4, lines 25-30. Particles of chitosan located within the cross section of individual fibers differs from particles of chitosan located on the absorbent member. Furthermore, Ohnishi et al. does not disclose an absorbent member. Rather, Ohnishi et al. discloses individual fibers arranged to form a spun yarn, woven cloth and nonwoven fabric. Finally, Ohnishi et al. does not disclose the affinity to water of the fibers disclosed therein. Whether acrylic is characterized as hydrophilic or hydrophobic depends on the particular

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formulation of the polymer within the class of acrylics and the particular definitions chosen for defining what is hydrophilic or hydrophobic.

The Applicants submit that Claim 1, as amended, is allowable over Ohnishi et al. The Applicants respectfully request that the rejection of Claim 1, under 35 U.S.C. § 102(e), be withdrawn.

Because Claims 2-4, 9, and 10 depend from Claim 1, the Applicants submit that Claims 2-4, 9, and 10 are also allowable over Ohnishi et al. The Applicants respectfully request that the rejection of Claim 2-4, 9, and 10, under 35 U.S.C. § 102(e), be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Kelkenberg in view of Kellenberger et al. and Sackmann et al.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelkenberg (U.S. Patent No. 5,496,933) in view of Kellenberger et al. (U.S. Patent No. 4,699,823) and Sackmann et al. (U.S. Patent No. 5,635,569). Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere."

Kelkenberg, Kellenberger et al., and Sackmann, when combined, fail to teach or suggest chitosan wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Furthermore, Kelkenberg, Kellenberger et al., and Sackmann, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kelkenberg teaches particles of chitosan in hygienic articles but fails to teach particles of chitosan located on the absorbent member of hygienic articles. Kelkenberg does not disclose chitosan particles with a mean diameter $D(v,0.9)$ of not more than 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Kellenberger et al. teaches super absorbent polymers having a particular size and is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as

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claimed in the present application. Kelkenberg, Kellenberger et al. and Sackmann et al. do not teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan.

The Applicants submit that Claim 1, as amended, is patentable over Kelkenberg in view of Kellenberger et al. and Sackmann. The Applicants respectfully request that the rejection of Claim 1, under 35 U.S.C. § 103(a), be withdrawn.

Because Claims 2-10 depend upon Claim 1, the Applicants submit that Claims 2-10 are also allowable over Kelkenberg in view of Kellenberger et al. and Sackmann. The Applicants respectfully request that the rejection of Claims 2-10, under 35 U.S.C. § 103(a), be withdrawn.

Response to Double Patenting Rejections

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere." The Applicants submit that Claim 1, as amended, is patentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Claims 1-15 of U.S. Patent No. 6,833,487 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Kellenberger et al. teaches super absorbent polymers having a particular size but is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is

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patentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. The Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, the Applicants submit that Claims 2-10 are also allowable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. The Applicants respectfully request that the double patenting rejection of Claims 2-10 be withdrawn.

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,867,287 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere." The Applicants submit that Claim 1, as amended, is patentable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann et al. because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Claims 1-24 of U.S. Patent No. 6,867,287 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Kellenberger et al. teaches super absorbent polymers having a particular size but is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to suggest or teach anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is patentable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann. The Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, the Applicants submit that Claims 2-10 are also allowable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann et al. The Applicants respectfully request that the double patenting rejection of Claims 2-10 be withdrawn.

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Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting "wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere." The Applicants submit that Claim 1, as amended, is patentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Claims 1-21 of U.S. Patent No. 6,887,564 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm wherein at least 3 grams of said chitosan material is soluble in 100 grams of water at 25°C and one atmosphere. Kellenberger et al. teaches super absorbent polymers having a particular size and is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is patentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. The Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, the Applicants submit Claims 2-10 are also allowable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann. The Applicants respectfully request that the double patenting rejection of Claims 2-10 be withdrawn.

Applicants agree to submit a Terminal Disclaimer to obviate a provisional double patenting rejection over Application 10/785,464 upon notice of allowable subject matter if necessary.

Applicants agree to submit a Terminal Disclaimer to obviate a provisional double patenting rejection over Application 11/021,634 upon notice of allowable subject matter if necessary.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 102, 35 U.S.C. § 103, and the double patenting rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-10 are respectfully requested.

Respectfully submitted,

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By


Signature

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